

Superbootc

STAT From its November 6 letter informing the protesters of the details of their requested hearing to yesterday's notification of decision and punishment, the University Council on Student Affairs' handling of the CIA sit-in was an insult to the dignity of the demonstrators and an abuse of their rights as students.

Section 9a of President Heffner's September 18 letter to all students, which the Council held was "adequately observed," states that a student accused of a serious offense "shall be notified in writing of the specific charge against him before his case is considered."

The November 6 letter from Chairman Echeverria in behalf of the Council considerably confused the charge of "interfering with the normal educational functions of the University" specifically by physically obstructing the Graduate School Dean and the CIA recruiter inside the Placement Office. This original charge was dated November 1 and sent to each of the accused by his dean.

The November 6 letter stated: "The Council has ruled that the accusation constitutes an alleged infraction of the declarations of policy number 1 and number 7" of President Heffner's letter. "That is," the letter continued, "the alleged obstruction of entry cited above is an alleged form of protest which involves physical force or physical obstruction, and which seriously interferes with the normal educational function of the University."

This blurring of the charges made it unclear what the charge was, a point noted by Ira Magaziner speaking for the defense and conceded by several members of the Council during the hearing. This ambiguity of charge violated rule 9a. In effect the charges on which the students were tried and indeed found guilty were not identical to those on which they requested the hearing. They did not even know of these latter charges until two days before the session.

C. It is also questionable whether the Council, the body deciding on these charges should also serve the prosecution function of levelling these charges. At any rate, it appears highly irregular that Graduate School Dean Michael J. Brennan, designated prosecutor on the case, should have served on the Council when it redefined the charges.

STAT Once in the hearing room, the conduct of the Council was even more questionable. Chairman Echeverria went out of his way, although pointing out the Council was not a court, to outline procedure. He was very strict in checking the credentials of all those present at the hearing and in making sure that all questions of witnesses should be directed to him first to check their appropriateness. Yet he, along with the two deans and the two other faculty members on the committee, were willing to begin the evening hearing of this potential dismissal case with one member absent, suggesting he could vote on the basis of hearing a tape of the proceedings.

When the accused first protested this idea, Mr. Echeverria asserted it was up to the Council to decide its own procedure. He may have been legally correct, but he was blatantly ignoring the rights of the charged. Had not Mark Augenblick indignantly presented a motion against this procedure which was subsequently carried by the six student votes, these rights would have been ignored.

C. But much more appalling was the behavior of several Council members during the hearing, especially considering the gravity of the case at hand. During testimony they often exchanged comments and giggled to one another. Several Council members walked out of the room briefly during the hearing, one of them in the middle of presentation of Mr. Magaziner, a main representative for the defense. Through seven hours of complicated hearings, the four undergraduate representatives (all except the active Mr. Augenblick) asked perhaps a dozen questions between them. In all it was a shoddy display, the Council showing little respect for the accused.

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The sad performance of the Council in this case is not inherent in its structure. The charges could have been stated precisely and in accordance with recognized procedure. The case could have been heard in shorter, less trying sessions over the course of a few days. The behavior of the members of the Council should be better regulated by the members themselves.

The reason the Superboard was established was to provide more guarantees of rights than the less formalized deans' decisions could. Unfortunately, the Council showed itself this week as untrue to this purpose. The UCSA's 14 hour show added only one new dimension to disciplinary procedures: tedium. Admittedly, Durand Echeverria is no Oliver Wendell Holmes, but if the UCSA was unable to clarify for the accused what the charges were, the fourteen hours of pseudo-judicial farce will have been just fourteen hours wasted.

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